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In re Application of ROMERO et al
U.S. Application No.: 10/537,148
PCT Application No.: PCT/AU2003/001620
Int. Filing Date: 05 December 2003
Priority Date Claimed: 05 December 2002
Attorney Docket No.: 11474.0NEW
For: GLUE LINE USE OF BIFENTHRIN IN
WOOD PRODUCTS

DECISION

This is in response to applicant's "Petition Under 37 C.F.R. §1.182" filed 05 December 2006.

BACKGROUND

On 05 December 2003, applicant filed international application PCT/AU2003/001620, which claimed priority of an earlier Australia application filed 05 December 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 17 June 2004. The thirty-month period for paying the basic national fee in the United States expired on 05 June 2005.

On 02 June 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 19 September 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 November 2005, applicant filed an executed declaration.

On 27 February 2006, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the name of the first inventor does not match that shown in the published international application.

On 12 April 2006, applicant filed a response to the Notification of Defective Response.

On 08 November 2006, this Office mailed a communication which indicated that a petition under 37 CFR 1.182 is required to resolve the name discrepancy.

On 05 December 2006, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

A review of the application file reveals that the name of the first inventor is listed in the international application as "Javier Romero" while the name is listed in the declaration as "Francisco Javier Romero Amaya". Applicant has submitted a proper petition under 37 CFR 1.182 along with the requisite petition fee of \$400.00 as well as supporting affidavits.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 05 December 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 02 June 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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